

DRAFT, 5-26-21 Sec. 37-???. Airport Overlay Zones (AOZ).

Sec. xxxx Purpose.

The purpose of the Airport Overlay Zones (AOZ) is to prevent and minimize conflicts between the Lewiston-Nez Perce County Regional Airport and surrounding land uses and development, to ensure continued viability of the airport, to implement the intents, goals and objectives of the Airport Chapter of the Lewiston Comprehensive Plan, to protect airspace and prevent aviation hazards pursuant to Code of Federal Regulations Title 14. Aeronautics and Space > Chapter I. Federal Aviation Administration, Department of Transportation > Subchapter E. Airspace > Part 77. Safe, Efficient Use, and Preservation of the Navigable Airspace (14 CFR Part 77), and to protect property rights and the public health, safety and welfare.

Sec. xxxxx Applicability.

This section shall apply to all lands located within the boundaries of the Airport Overlay Zones established herein and depicted on the City of Lewiston Zoning Map and shall apply to such lands in addition to the provisions of the underlying zoning districts and other provisions of this chapter, as may be applicable. In the case of conflicting provisions, the provisions of the AOZ shall apply.

Sec. xxxxx Definitions.

The following definitions shall be specific and applicable within the Airport Overlay Zones only. Other terms used in the Airport Overlay Zones which are not defined in this section and are defined in Sec. 37-3 of this Chapter shall apply to the Airport Overlay Zones, in addition to the following defined terms. In the case of conflicting term definitions contained in this Section and those in Sect. 37-3, the definitions contained in this section shall apply.

Airport means the Lewiston-Nez Perce County Regional Airport.

Airport Elevation means the highest point of the Airport's usable runway measured in feet from mean sea level.

Aviation Hazard means any new or existing structure, object of natural growth, use of land, or modification thereto, which endangers the lives and property of

users of the Airport, or of occupants of land in its vicinity, and that reduces the size of the area available for landing, taking off and maneuvering of aircraft, or extends up into the airspace between airports to cause disastrous and needless loss of life and property, or as otherwise amended in Idaho Code 21-501.

Height means the greatest distance measured between the highest point of natural grade or finished grade at the base of a structure to its highest point, whichever yields the greater distance.

Inner Critical Overlay Zone means an area rectangular in shape and centered about the extended runway centerline. The width is 2,000 feet and it extends a horizontal distance of 5,000 feet from each end of the Primary Surface. The purpose of the Inner Critical Zone is to protect aircraft approach and departure paths off the ends of the runway beyond the Runway Protection Zone (RPZ) and to enhance the protection of people and property on the ground, as described in the Idaho Airport Land Use Guidelines

Land Use, Compatible means land use that tends to not result in the creation of hazards to flight operations, such as attracting birds, having-upwardly projecting glaring lights, creating heavy smoke, or producing electronic aberrations in navigational guidance systems; and that is not intensive enough that it poses too great a risk for a large number of concentrated or vulnerable population, and that is not noise-sensitive and neither adversely affect flight operations of the Airport nor is itself adversely affected by such flight operations.

Land Use, Incompatible means land use that tend to result in the creation of hazards to flight operations, such as attracting birds, having-upwardly projecting glaring lights, creating heavy smoke, or producing electronic aberrations in navigational guidance systems; or that is intensive enough that it poses too great a risk for a large number of concentrated or vulnerable population, or that is noise-sensitive.

Lateral Safety Overlay Zone means an area rectangular in shape and centered laterally about the runway centerline that is intended to enhance the protection of people and property on the ground adjacent to the sides of a runway. It extends 200 feet beyond each runway end and 1,000 feet from both sides of the runway centerline for a total width of 2,000 feet, as described in the Idaho Airport Land Use Guidelines

Nonconforming Structure or Use means a structure or use of land that does not conform to the regulations of the Airport Overlay Zones, but which was legally in existence at the time of the effective date of the Airport Overlay Zones.

Obstruction means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in the Airport Overlay Zones and Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77).

Outer Critical Overlay Zone means an area rectangular in shape and centered about the extended runway centerline. The width is 1,000 feet and the length extends a horizontal distance of up to 5,000 feet, but no less than 3,000 feet, from each end of the Inner Critical Overlay Zone. The purpose of the Outer Critical Overlay Zone is to protect aircraft approach and departure paths off the ends of the runway beyond the Inner Critical Overlay Zone and to enhance the protection of people and property on the ground, as described in the Idaho Airport Land Use Guidelines

Runway means a defined area on the Airport designed for landing and takeoff of aircraft along its length.

Runway Protection Overlay Zone means an area off the runway end used to enhance the protection of people and property on the ground. The Runway Protection Overlay Zone is trapezoidal in shape and centered about the extended runway centerline. The Runway Protection Overlay Zone dimension for a particular runway end is a function of the type of aircraft and approach visibility minimum associated with that particular runway end. The inner width of the Runway Protection Overlay Zone is the same as the width of the Primary Surface. The outer width of the Runway Protection Overlay Zone is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The applicable Runway Protection Overlay Zone dimensions are depicted on the Airport Layout Plan (ALP) Sheet 2 of 20, and listed on the ALP Data Sheet, 3 of 20 of the 2016 Lewiston-Nez Perce County Regional Airport Master Plan. This surface is further described in Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5300-13A, *Airport Design*.

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Traffic Pattern Overlay Zone means an area where aircraft are commonly operating for the purposes of landing and take-off at the Airport, as depicted in the Airport Overlay Zones Map. It is based on the predominant usage of the category of aircraft forecast to use the Airport and the specific traffic patterns established by the Airport, as described in the Idaho Airport Land Use Guidelines for Runway 8/26, the Traffic Pattern Overlay Zone is an oval shape that extends approximately two miles beyond each runway end and approximately two miles south of the runway. For Runway 12/30, the Traffic Pattern Overlay Zone is an oval shape that extends approximately one mile beyond each runway end and approximately one mile southwest of the runway.

Sec. xxxx Airport Land Use Compatibility Overlay Zones, Allowances and Restrictions

The controlled area of the Airport is divided into the following Airport Land Use Compatibility Overlay Zones, which are defined herein:

- Runway Protection Overlay Zone (RPOZ)
- Lateral Safety Overlay Zone (LSOZ)
- Inner Critical Overlay Zone (ICOZ)
- Outer Critical Overlay Zone (OCOZ)
- Traffic Pattern Overlay Zone (TPOZ)

Sec. xxxx Use of Land and Structures

Within the Airport Land Use Compatibility Overlay Zones, uses of land and structures shall be permitted or not pursuant to the Airport Land Use Compatibility Overlay Zone Table; however, any use to be located on airport property shall be permitted in any Airport Land Use Compatibility Zone if written endorsement for such is provided by the Airport Authority Board, not otherwise prohibited by the FAA and permitted by the underlying zoning district . Where any land use allowed either by right or as a conditional use in the underlying zoning district conflicts with the allowable land uses set forth in the Airport Land Use Compatibility Overlay Zone Table, the Airport Land Use Compatibility Overlay Zone Table shall take precedence. Where any allowable land use conflict exists within the Airport Land Use Compatibility Overlay Zone Table, the more restrictive of the

conflicting zones shall take precedence. Where a more specific land use term is captured by/included in a more general, related land use term, the allowance or prohibition of the use shall be governed by the more specific term. Notwithstanding the land use allowances listed below, all land uses shall be subject to the Height Zone Allowances and Restrictions provisions of the AOZ.

AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE TABLE					
Land Use	Runway Protection Overlay Zone (RPOZ)	Lateral Safety Overlay Zone (LSOZ)	Inner Critical Overlay Zone (ICOZ)	Outer Critical Overlay Zone (OCOZ)	Traffic Pattern Overlay Zone (TPOZ)
Residential					
Single-family and two-family dwellings, multifamily dwellings less than five dwelling units	⊘	⊘	◆	◆	◆
Group homes not meeting the definition of single family dwelling, multi-family dwellings greater than four dwelling units, mobile home parks, nursing homes, assisted living facilities transient lodging (i.e. hotels, motels, homeless shelters), r.v. parks	⊘	⊘	Ⓒ	◆	◆
Public & Institutional					
Schools, libraries, churches, jails, prisons, hospitals, courthouses	⊘	⊘	⊘	Ⓒ	◆
Public parking lots or public parking garages, cemeteries, utilities	⊘	Ⓒ	◆	◆	◆
Commercial & Industrial					

Offices, retail, self-service and and wholesale storage, industrial/ manufacturing, extractive industry, telecommunications facilities	⊘	Ⓒ	Ⓒ	◆	◆
Agricultural, Outdoor Recreational, Outdoor Entertainment					
Cropland/agriculture	✓	✓	✓	✓	✓
Livestock grazing or breeding, confined animal feeding operations, golf courses, horse riding arenas and/or boarding stables	⊘	⊘	Ⓒ	◆	◆
Outdoor spectator sports, parks, playgrounds, water recreation, go-cart or motocross tracks, zoos, outdoor commercial entertainment facilities not including golf courses	⊘	⊘	⊘	Ⓒ	◆
Amphitheaters, concert or dance venues	⊘	⊘	⊘	Ⓒ	◆
Wildlife Attractants*					
Sanitary Landfills*	⊘	⊘	⊘	⊘	⊘
Water treatment plants, water impoundments, stormwater detention ponds, ponds, lakes, open water reservoirs*	⊘	⊘	⊘	Ⓒ	Ⓒ
Wetlands*	⊘	⊘	Ⓒ	Ⓒ	◆

Key:

Prohibited unless existing or already approved by a Planned Unit Development Agreement but not yet constructed	⊘
Conditional Use Permit (CUP) approval required.	Ⓒ
Allowed with and City Staff approval for compliance with the AOZ and other applicable Zoning Code provisions	◆
Allowed	✓
*Refer to FAA AC 150/5200-33C, <i>Hazardous Wildlife Attractants on or Near Airports</i> , for separation standards	
2016 Airport Layout Plan (ALP) of the Airport Master Plan shows no incompatible land uses within the 65 DNL noise contour	

Sec. xxxx Height Zones,

Allowances and Restrictions

Airport Height Zones (Height Zones)

In order to carry out the provisions of this Ordinance, there are, hereby created and established, certain zones, which include all the land lying beneath the Primary Surfaces, Approach and Departure Surfaces, Transitional Surfaces, Horizontal Surface and Conical Surface, which have been established by Code of Federal Regulations Title 14. Aeronautics and Space > Chapter I. Federal Aviation Administration, Department of Transportation > Subchapter E. Airspace > Part 77. Safe, Efficient Use, and Preservation of the Navigable Airspace (14 CFR Part 77), and are depicted on the January 2016 Airport Master Plan's Airport Layout Plan Sheets 8 through 16.

The various Height Zones are hereby established and defined below:

1. *Non-precision Instrument Approach Zone: Runway 12/30.* The inner edge of the Non-precision Instrument Approach Zone for Runway 12/30 is the same width as the Primary Surface, which is 500 feet, and it expands uniformly to a width of 3,500 feet for a horizontal distance of 10,000 feet at a slope of 34:1. Its centerline is a continuation of the extended runway centerline. The surface for which this zone underlies is depicted on Sheets 8, 11, 15, and 16 of the Airport's ALP.
2. *Non-precision Instrument Approach Zone: Runway 8.* The inner edge of the Non-precision Instrument Approach Zone for Runway 8 is the same width as the Primary Surface, which is 1,000 feet, and it expands uniformly to a width of 4,000 feet for a horizontal distance of 10,000 feet and upward at a slope of 34:1. Its centerline is a continuation of the extended runway centerline. The surface for which this zone underlies is depicted on Sheets 8, 11, and 12 of the Airport's ALP.
3. *Precision Instrument Runway Approach Zone (Inner): Runway 26.* The inner edge of the Precision Instrument Approach Zone (Inner) for Runway 26 is the same width as the Primary Surface, which is 1,000 feet, and it expands uniformly to a width of 4,000 feet for a horizontal distance of 10,000 feet and upward at a slope of 50:1. Its centerline is a continuation of the extended runway centerline. The surface for which this zone underlies is depicted on Sheets 8, 10, and 13 of the Airport's ALP.

4. *Precision Instrument Runway Approach Zone (Outer): Runway 26.* The inner edge of the Precision Instrument Runway Approach Zone (Outer) for Runway 26 begins at the outer edge of the Precision Instrument Approach Zone (Inner) and is 4,000 feet wide. It expands uniformly to an outer width of 16,000 feet for a horizontal distance of 40,000 feet and upward at a slope of 40:1. Its centerline is a continuation of the extended runway centerline. The surface for which this zone underlies is depicted on Sheets 9 and 10 of the Airport's ALP.

5. *Instrument Departure Zone: All Runways.* The inner edge of the Instrument Departure Zone begins at, and is the same elevation as, each runway end and is 1,000 feet wide. It expands outward uniformly at 15 degrees for a horizontal distance of 10,200 feet to an outer width of 6,466 feet and upward at a slope of 40:1 along the extended runway centerline. The surfaces for which this zone underlies is depicted on Sheets 12, 13, 14, 15 and 16 of the Airport's ALP.

6. *Transitional Zone.* The area projected beneath the Transitional Surface. The surfaces for which this zone underlies is depicted in yellow on Sheets 8 and 9 of the Airport's ALP.

7. *Horizontal Zone.* The area projected beneath the Horizontal Surface, which is 150 feet above Airport elevation. It does not include the Approach and Transitional Zones. The surface for which this zone underlies is depicted on Sheets 8, 10, and 11 of the Airport's ALP.

8. *Conical Zone.* The Conical Zone begins at the outer edge of, and same elevation as, the Horizontal Surface, which is 150 feet above Airport elevation, and extends outward for a horizontal distance of 4,000 feet and upward at a slope of 20:1 to a height of 350 feet above Airport elevation. The surface for which this zone underlies is depicted on Sheets 8, 10, and 11 of the Airport's ALP.

Airport Height Zone Limitations

No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow into or above any Height Zone created by this AOZ and regulated by Code of Federal Regulations (CFR) Title 14. Aeronautics and Space > Chapter I. Federal Aviation Administration, Department of Transportation > Subchapter E. Airspace > Part 77. Safe, Efficient Use, and Preservation of the Navigable Airspace. Allowable structure heights within the Airport Overlay Zones shall be

pursuant to the underlying zoning district or the Height Zone set forth in the Airport Overlay Zones, whichever is more restrictive. Sec. 37-159, General exceptions to height limitations, of this Ordinance shall not apply to any structure located within the Airport Overlay Zones.

Applicants submitting building permit applications for properties within the Airport Overlay Zones shall be subject to the Airport Height Zone Limitations set forth herein. Applicants shall submit to the Community Development Department prior to issuance of a building permit a disclaimer form provided by the Community Development Department. The disclaimer form shall have the notarized, dated signature of the property owner or legal representative thereof accepting sole and complete responsibility for and absolving the City of Lewiston from any liability from compliance with 14 CFR Part 77, as determined by the Federal Aviation Administration (FAA).

Applicants submitting building permit applications for properties within the Airport Overlay Zones are strongly encouraged to obtain FAA approval for compliance with 14 CFR Part 77 prior to applying for a building permit and to submit such approval with their application for building permit. Such approval may best be obtained using the following process:

The applicant submits a preliminary slope calculation using the [FAA Notice Criteria Tool](https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm), <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>, to determine if a project submitted by the applicant for a permit, exceeds the FAA notification criteria within the Height Zones. This step will inform the applicant if the proposed structure height results in the applicant having to file a notice under 14 CFR Part 77.9 to the FAA. If the online results show that the proposed structure exceeds the 14 CFR Part 77 notice criteria, FAA staff will inform the applicant that the proposed structure requires an aeronautical study to determine if it will exceed a standard of the 14 CFR Part 77 surfaces. The applicant will be responsible for satisfying 14 CFR Part 77.9.

Sec. xxxx Aviation Hazards

Aviation Hazards shall be regulated according to Idaho Code Title 21, Chapter 5.

Sec. Xxxx Nonconformities

The regulations prescribed by this Ordinance shall not require the removal or alteration of any use or structure not conforming to this Ordinance on its effective date with the exception of an Aviation Hazard identified by the State of Idaho, FAA, or Airport, and identified in the current Airport Master Plan (2016) Obstruction Chart in Chapter Five – Airport Layout Plans or subsequent aeronautical surveys.

Nothing contained herein shall require a change in the construction, alteration, or intended use of any structure whose construction or alteration commenced prior to the effective date of this Ordinance and whose construction is being diligently pursued with the exception of Aviation Hazards identified by the State of Idaho, FAA, or Airport.

Nothing contained herein shall preclude the vesting of a use and/or development right of a Planned Unit Development Agreement approved prior to the adoption of the AOZ.

The regulations of this Ordinance shall not prohibit the continuance, maintenance, repair or reconstruction of nor the addition to a nonconforming structure or use of structure, with the exception of an Aviation Hazard identified by the State of Idaho, FAA, or Airport.

A nonconforming use of land not occupying a structure shall not be increased in intensity or expanded to occupy a greater area of land and shall only be changed to a conforming use.

Marking and Lighting

The owner of a nonconforming structure or parts thereof that are not subject to the height limitations such as chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio, television and communication towers, masts, aerials, cooling tower, and other similar projections, is hereby required to install, operate, and maintain such markers and lights in accordance with FAA Advisory Circular 70/7460-1M, *Obstruction Marking and Lighting*, as indicators of Aviation Hazards or obstructions to the operators of aircraft. Such markers and

lights shall be installed, operated, and maintained at the expense of the property owner.

Sec. 37-159. General exceptions to height limitations.

Except in the airport Height Zones, the following types of structures or structural parts are not subject to the height limitations of this chapter: Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, and other similar projections.

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